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इस भाग में भिन्न पृष्ठ संख्या दो जाती हैं जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 28th January, 1984/Magha 8, 1905 (Saka)

THE PREVENTION OF DAMAGE TO PUBLIC PROPERTY
ORDINANCE, 1984

No. 3 OF 1984

Promulgated by the President in the Thirty-fifth Year of the
Republic of India.

An Ordinance to provide for prevention of damage to public
property and for matters connected therewith.

WHERTAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Prevention of Damage to Public Property Ordinance, 1984.

Short title, extent and commencement.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

(1)

Definitions. 2. In this Ordinance, unless the context otherwise requires,—

(a) "mischief" shall have the same meaning as in section 425 of the Indian Penal Code;

45 of 1860.

(b) "public property" means any property, whether immovable or movable (including any machinery) which is owned by, or in the possession of, or under the control of—

(i) the Central Government; or

(ii) any State Government; or

(iii) any local authority; or

(iv) any corporation established by, or under, a Central, Provincial or State Act; or

(v) any company as defined in section 617 of the Companies Act, 1956; or

1 of 1956.

(vi) any institution, concern or undertaking which the Central Government may, by notification in the Official Gazette, specify in this behalf:

Provided that the Central Government shall not specify any institution, concern or undertaking under this sub-clause unless such institution, concern or undertaking is financed wholly or substantially by funds provided directly or indirectly by the Central Government or by one or more State Governments, or partly by the Central Government and partly by one or more State Governments.

Mischief causing damage to public property.

3. (1) Whoever commits mischief by doing any act in respect of any public property, other than public property of the nature referred to in sub-section (2), shall be punished with imprisonment for a term which may extend to five years and with fine.

(2) Whoever commits mischief by doing any act in respect of any public property being—

(a) any building, installation or other property used in connection with the production, distribution or supply of water, light, power or energy;

(b) any oil installations;

(c) any sewage works;

(d) any mine or factory;

(e) any means of public transportation or of tele-communications, or any building, installation or other property used in connection therewith,

shall be punished with rigorous imprisonment for a term which shall not be less than six months, but which may extend to five years and with fine:

Provided that the court may, for reasons to be recorded in its judgment, award a sentence of imprisonment for a term of less than six months.

Mischief causing damage to public property by fire or explosive substance.

4. Whoever commits an offence under sub-section (1) or sub-section (2) of section 3 by fire or explosive substance shall be punished with rigorous imprisonment for a term which shall not be less than one year, but which may extend to ten years and with fine:

Provided that the court may, for special reasons to be recorded in its judgment, award a sentence of imprisonment for a term of less than one year.

5. No person accused or convicted of an offence punishable under section 3 or section 4 shall, if in custody, be released on bail or on his own bond unless the prosecution has been given an opportunity to oppose the application for such release.

6. The provisions of this Ordinance shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force, and nothing contained in this Ordinance shall exempt any person from any proceeding (whether by way of investigation or otherwise) which might, apart from this Ordinance, be instituted or taken against him.

Special provisions regarding bail.

ZAIL SINGH,

President.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.

